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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,557	01/12/2001	John Lee Barry	04148P013	9690

38845 7590 08/02/2005

DARBY & DARBY P.C.
P.O. BOX 5257
NEW YORK, NY 10150-5257

EXAMINER

TORRES, JOSEPH D

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 08/02/2005.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,557

Applicant(s)

BARRY ET AL.

Examiner

Joseph D. Torres

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 121-140 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 121-134 and 138-140 is/are allowed.
- 6) ☒ Claim(s) 133, 134, 136 and 137 is/are rejected.
- 7) ☒ Claim(s) 135 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 133, 134, 136 and 137 are rejected under 35 U.S.C. 102(e) as being anticipated by Harshbarger; John H. et al. (US 4670782 A, hereafter referred to as Harshbarger).

35 U.S.C. 102(e) rejection of claim 133.

Harshbarger teaches a pattern generation state machine that is operable to control a sequencing of a creation of a video test pattern selected for creation among the plurality of creatable video test pattern (CPU & Program Memory 32, Horizontal Generator Section 38, Vertical Generator Section & EEPROM Storage 40 and Sync Generator Interface 42 in Figure 1A of Harshbarger is a pattern generation state machine that is operable to control a sequencing of a creation of a video test pattern selected for creation among the plurality of creatable video test pattern); and a memory component that is operable to provide a table output value based on the control of the sequencing (4Kx12 Horizontal RAM 94 and 8Kx8 RAM 60 in Figures 3, 8 & 10 of Harshbarger are a 8Kx8 and 4Kx12 tables; col. 11, lines 17-22 in Harshbarger teach that the 8Kx8 RAM is

Art Unit: 2133

used for storing data and formats and col. 11, lines 46-50 teach that 4Kx12 Horizontal RAM 94), wherein the memory component includes:

a header table that stores: a plurality of data samples that each include a unique data word; and a sequence of data that includes a portion of a repeating horizontal blanking data sequence for horizontal blanking lines, and further includes a repeat field that indicates a number of repetitions for the repeating horizontal blanking sequence (4Kx12 Horizontal RAM 94 in Harshbarger is a header table that stores: a plurality of data samples that each include a unique data word; and a sequence of data that includes a portion of a repeating horizontal blanking data sequence for horizontal blanking lines, and further includes a repeat field that indicates a number of repetitions for the repeating horizontal blanking sequence; Note: col.4, lines 57-61 in Harshbarger teaches that horizontal rate parameters used by Horizontal Sync Generator in Figure 10 include values used to calculate that horizontal rate, i.e., the horizontal scanning line repetition rate; hence the horizontal rate parameters are a repeat field that indicates a number of repetitions; see also col. 7, lines 34-36).

35 U.S.C. 102(e) rejection of claim 134.

See Latch registers 92A and 92B in Figure 10 of Harshbarger.

35 U.S.C. 102(e) rejection of claims 136 and 137.

Col. 18, lines 15-23 of Harshbarger explicitly teaches this invention has been described as having a preferred design, it will be understood that it is capable of further

Art Unit: 2133

modification. This application is therefore intended to cover any variations, uses, or adaptations of the invention following the general principles thereof and including such departures from the present disclosure has come within known or customary practice in the art to which the invention pertains and fall within the limits of the amended claims. The Examiner asserts that using specific data and sample sizes does not deviate from the scope or intent of the teachings in Harshbarger.

Allowable Subject Matter

2. Claims 121-134 and 138-140 are allowed.

Claim 135 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (571) 272-3829. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOSEPH TORRES
PRIMARY EXAMINER

Joseph D. Torres, PhD
Primary Examiner
Art Unit 2133